

Sixth Appellate District

San Jose, California

MONDAY, MARCH 19, 2007

(no minute approved orders)

TUESDAY, MARCH 20, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Mihara, J.; McAdams, J.; and S. Nasson, Deputy Clerk.

H028213 PEOPLE v. RUBIO

Cause called and argued by Robert Derham appearing for Appellant and by Jill Thayer, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Rushing, P.J. and McAdams, J. leave the bench. Bamattre-Manoukian, J. and Duffy, J. take the bench.

H028588 CIOFFI v. CIOFFI

H029712 CIOFFI v. CIOFFI

Cause called and argued by Robin Yeamans appearing for Appellant Sharon Cioffi and by Bernard Wolf appearing for Appellant John Cioffi. Cause ordered submitted. Court adjourns.

H030399 WRIGHT v. ISSAK et al.

The amended judgment is affirmed (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed March 20, 2007

H029884 PORTER v. SUPERIOR COURT OF MONTEREY COUNTY; PEOPLE

Let a peremptory writ of mandate issue directing respondent superior court to enter an order dismissing the premeditation allegations (§664, subd. (a)) and the gang enhancement allegations (§186.22, subd. (b)). The stay order issued by this court is vacated. (published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed March 20, 2007

H028659 LANDWATCH MONTEREY COUNTY v. COUNTY OF MONTEREY; CHAPIN, et al.

By the Court*:

Appellant's petition for rehearing is denied.
Filed: March 20, 2007

*Before Rushing, P.J., Mihara, J. and McAdams, J.

Sixth Appellate District

San Jose, California

WEDNESDAY, MARCH 21, 2007

H030173 PEOPLE v. BRACAMONTES

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed March 21, 2007

THURSDAY, MARCH 22, 2007

H028838 PEOPLE v. DULAN

By the Court*:

Respondent's petition for rehearing is denied.

Filed: March 22, 2007

*Before Rushing, P.J., Premo, J. and Elia, J.

The following case is submitted this date:

H029324 PEOPLE v. KIM

H029424 In re Marriage of RICHARD S. FALCONE and KATHEY FYKE

The order after hearing is affirmed (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed March 22, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Duffy, J.; and W. Magsaysay, Deputy Clerk.

H029807 PEOPLE v. STRACHAN

Cause called and argued by Victor D. Vertner appearing for Appellant and by Ann P. Wathen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Mihara, J. then leaves the bench and the remainder of the panel is now joined by McAdams, J.

H029541 PEOPLE v. BAILEY

Cause called and argued by Frederick Schnider appearing for Appellant and by Aileen Bunney, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029566 PEOPLE v. TILLEY

Cause called and argued by Richard Holly appearing for Appellant and by Moona Nandi, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, March 22, 2007 (continued)

H029866 IN RE PAUL W., ON HABEAS CORPUS

Cause called and argued by Robert Navarro appearing for Appellant, by Caroline Janes Todd appearing for Respondent Paul W., and by Arleen Rozul appearing for Respondent Department of Family and Children's Services. Cause ordered submitted.

H029043 STONELIGHT TILE, INC. v. CALIFORNIA INSURANCE GUARANTEE, et al.

Cause called and argued by William R. Delaney appearing for Appellants and by Frederick G. Hall appearing for Respondents. Cause ordered submitted. Duffy, J. then leaves the bench and Mihara, J. rejoins the remainder of the panel.

H030451 BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY v. SUPERIOR COURT (UMANA)

Cause called and argued by John K. Haggerty appearing for Petitioner and by John M. Ingle appearing for Real Party in Interest. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Mihara, Acting P.J.; McAdams, J.; Duffy, J.; and J. Michel, Deputy Clerk.

H029347 GEORGIEV v. COUNTY OF SANTA CLARA

Cause called and argued by John Dinapoli appearing for Appellant and by Marcy L. Berkman appearing for Respondent. Cause ordered submitted.

H028771 YBARRA, et al., v. WAHL II, et al.,

Cause called and argued by Dennis W. Smith appearing for Appellants and by Seth L. Goldstein appearing for Respondents. Cause ordered submitted.

H028992 ELITE COMPUTERS & SOFTWARE v. BASOUN

Cause called and argued by Daniel G. Herns appearing for Appellant and by David P. Gardner appearing for Respondent. Cause ordered submitted.

Mihara, Acting P.J. leaves the bench and Bamattre-Manoukian, Acting P.J. takes the bench.

H029650 PEOPLE v. DHANOWA

Cause called and argued by Maureen L. Fox appearing for Appellant and by Linda M. Murphy, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, March 22, 2007 (continued)

H029985 PEOPLE v. OCHOA

Cause called and argued by Jill A. Fordyce appearing for Appellant and by Ronald E. Niver, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court stands in adjournment.

H030035 PEOPLE v. CURTIS

The judgment is affirmed. (not published)
(Elia, J.; I concur: Premo, J.; Concurring and dissenting opinion by Rushing, P.J.; Concurring opinion by Premo J.)
Filed March 22, 2007

FRIDAY, MARCH 23, 2007

H029176 In re Marriage of KEITH SMITH and KUM SMITH

The postjudgment order dividing military retirement is affirmed. (published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed March 23, 2007

H030243 PEOPLE v. CURTIS

The judgment is modified to stay the sentences on counts 3 and 4. The superior court is directed to prepare an amended abstract of judgment and forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed March 23, 2007

H028369 FONSECA et al., v. CITY OF GILROY et al.

The judgment is affirmed. (published)
(Duffy, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed March 23, 2007